THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.18756 OF 2004

Dated: 2nd November, 2005.

Between:

Alluri Harinadh Rao … Petitioner

And

1. The Deputy Registrar, Co-operative Societies, Warangal, and others. … Respondents

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ORDER :

The petitioner claims to be the President of a Co-operative Society called 'Revenue and Other Departmental Employees Co-operative Housing Society Limited', Hanamkonda, registered under the A.P. Co-operative Societies Act, 1964. It is stated that he was declared elected as President in the elections conducted on 24-11-2001. The respondents 3 to 9 herein were elected as Directors of the Managing Committee. While so, on an application dated 8-4-2004 made by 7 members of the Managing Committee, proceedings were initiated against the petitioner under Section 32 (1) of The A.P. Co-operative Societies Act, 1964 (for short, 'the Act') and after considering the explanation submitted by the petitioner to the show-cause notice, the Deputy Registrar of Co-operative Societies passed an order dated 15-05-2004 holding that the petitioner ceased to be in office as President of the Society with immediate effect. Under the same order, the third respondent herein who is the Vice-President of the Society was directed to hold office till the elections are held to the post of President. Aggrieved by the said order, the petitioner preferred an Appeal before the Co-operative Tribunal, Warangal under Section 76 (1) of the Act. Along with the appeal, the petitioner also filed I.A.No.121 of 2004 seeking suspension of the order dated 15-5-2004. However, the said application for suspension was dismissed by order dated 05-07-2004 which is under challenge in this writ petition.

I have heard the learned Counsel for the petitioner as well as the learned Government Pleader appearing for the respondents 1 and 2, and perused the material on record.

The learned Counsel for the petitioner vehemently contended that by refusing to suspend the impugned order, the Tribunal below has committed a grave error since the same would frustrate the very purpose of filing the appeal. It is also contended that the learned Presiding Officer of the Tribunal below was biased and prejudiced since the writ petitioner, in the capacity of the President of the Society, has earlier challenged the order of the very same officer in the earlier round of litigation and got it set aside. Thus, according to the learned Counsel, I.A.No.121 of 2004 ought not to have been decided by the same officer.

Having heard the learned Government Pleader and having perused the material on

record, I do not find any substance in the contentions of the petitioner. May be that, while discharging the statutory duties as Inspecting Officer, the SCDR/District Cooperative Officer issued summons in the earlier round of litigation. However, there is absolutely no reason to attribute motives, much less to allege that he was biased or prejudiced against him. At any rate, if the petitioner entertains any such apprehensions, it is always open to him to take appropriate steps to get the Appeal itself transferred to a different Tribunal, but that cannot be a ground to challenge the correctness of the order passed in the interlocutory application by seeking a Writ of Certiorari. However, the learned Counsel for the petitioner submits that while dismissing the interlocutory application, the Tribunal below has gone into merits of the case and the observations made by the Tribunal below would adversely affect the interest of the petitioner in the main Appeal.

The law is settled that the reasons assigned while deciding an interlocutory application are only *prima facie* conclusions and not binding while deciding the main appeal. In any event, it is made clear that the main Appeal i.e., CTA.No.19 of 2004 filed by the petitioner shall be disposed of by the Tribunal below independently on merits uninfluenced by any of the findings/observations recorded in the impugned order dated 5-7-2004.

Subject to the above observation, the Writ Petition is dismissed. No costs.

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2nd November, 2005.

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